

Aydin T. Oner, Plaintiff *in proper person*
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COUNSEL/PARTIES OF RECORD	
SEP - 6 2016	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AYDIN T. ONER,

Plaintiff,

Case No:

2:16-cv-00325-GMN-PAL

v.

CREDITORS SPECIALTY
SERVICE, (aka CREDITORS
SPECIALTY SERVICE, INC.);
CHARLES STANLEY and TIM
FULLER,

Defendants.

PLAINTIFF'S MOTION RE:
CLERK'S ACTION – FRCP 77(c)

I recently received my service copy of the clerk's "NOTICE
REGARDING INTENTION TO DISMISS PURSUANT TO RULE 4(m)
OF THE FEDERAL RULES OF CIVIL PROCEDURE" by regular mail.¹

I move this court according to FRCP 77(c)(2) to suspend the clerk's
threatened dismissal:

FIRST, I have previously consented to this magistrate's

¹ See docket #14

assignment to these proceedings.²

SECOND, soon after I commenced this case I submitted my form of summons to this clerk who refused to issue summons on anything but the actual court-approved form. This caused needless delay in serving my original complaint. Based on my Objection stated below, I will be seeking this court's order to used the attached form of summons.

THIRD, every clerk's action is "Subject to the court's power to suspend, alter, or rescind. . .for good cause."³ Good cause is found in the case record. In late March I objected to this clerk's notice concerning my request for an entry of default against Defendants CSS and Tim Fuller.⁴ There I reminded this clerk he had a duty to enter the default *without* insisting I use the court's official form.

IN CONCLUSION So far my Objection obviously has had no effect on this clerk's conduct, hence this motion to order the court clerk to obey the law and perform his ministerial act moved for here.

² Docket #10

³ FRCP 77(C)(2)

⁴ Docket ##4, 7-8

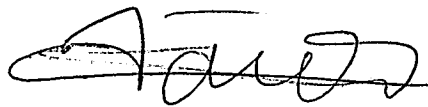
RELIEF REQUESTED

This court's Order to suspend the clerk's threat of dismissal, enter default as requested *nearly six months ago*, and to issue the attached summons.

I reserve the right to right to liberal construction according to FRCP 1 and 8(e), and to amend, addend or otherwise supplement this Motion if I believe it to be needed.

I certify I have have mailed a true copy of this motion to Defendants.

Submitted with all rights reserved on September 6, 2016

A handwritten signature in black ink, appearing to read 'A. Oner', with a stylized flourish at the end.

Aydin T. Oner, Plaintiff *in proper person*